

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

BRANDON LEE VINE,

Petitioner,

v.

No. 19-cv-821-KG-GJF

DANIEL PETERS, et al,

Respondents.

ORDER OF DISMISSAL

THIS MATTER comes before the Court following Petitioner's failure to respond to the Court's June 15, 2022, Order to Show Cause. (Doc. 9). Being sufficiently advised, and for the reasons that follow, the Court will dismiss this case.

This case commenced with Petitioner's Petition Under 28 U.S.C. 2254 for a Writ of Habeas Corpus. (Doc. 1). Based on a review of the Petition, the Court concluded that Petitioner's § 2254 claims appear to be barred by the 1-year statute of limitations of 28 U.S.C. § 2244(d)(1). (Doc. 9) at 1. The Court's reasons and analysis for this conclusion, set forth in its Order to Show Cause, are incorporated herein by reference. (Doc. 9) at 1-6.

The Court granted Plaintiff an opportunity to show cause why the Petition should not be dismissed as barred by the § 2244(d)(1) statute of limitations. (Doc. 9) at 6. The Court stated that, “[i]f Petitioner fails to show cause within the time allowed, the Court may dismiss the Petition without further notice.” (Doc. 9) at 6. Plaintiff did not show cause why the Petition should not be dismissed, nor did he otherwise respond to the Court's Order to Show Cause. The thirty-day deadline within which he was permitted to do so has now passed. (Doc. 9) at 6.

For the foregoing reasons, and for the reasons set forth in the Court's Order to Show Cause,

the Petition will be dismissed.

IT IS ORDERED:

1. Petitioner's Petition Under 28 U.S.C. 2254 for a Writ of Habeas Corpus (Doc. 1) is DISMISSED.
2. The Court will enter a separate judgment closing the civil case.



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UNITED STATES DISTRICT JUDGE